

Section 3-12 Farming

Intent: In keeping with the goals of the Master Plan, a Right to Farm Ordinance is hereby written to encourage and protect farms and farming in the Town of Amherst. In order to protect the existing farms in the Town of Amherst and to encourage others who might want to farm, it is recognized that “the right to farm” is a natural right and is allowed to exist as a permitted use in the Town of Amherst and State Health and Sanitary Codes for intensive fowl and livestock farms.

The right to farm as used in this Ordinance includes use of necessary equipment, farm machines, farm labors, application of fertilizers etc., for the purpose of producing agricultural products such as vegetables, grains, hay, fruit, trees, plants, etc. The right to farm shall also include the right to use land for grazing by animals and raising of livestock and fowl, when conducted in accordance with generally accepted agricultural practices and may take place on holidays, Sundays, weekends, night and day. (3-13-84)

Agricultural operations and Equestrian operations shall be conducted in accordance with the MANUAL OF BEST MANAGEMENT PRACTICES (BMP) FOR AGRICULTURE IN NEW HAMPSHIRE published by the New Hampshire Department of Agriculture, Markets, and Food. (3.8.05)

Two (2) signs totaling twelve (12) square feet are permitted for farm stands.

Section 3-13 Dish Antennae

Purpose: To provide for the safe and aesthetically pleasing installation of dish antennae in the Town of Amherst.

Standards

1. These standards shall apply to antennae of four (4) feet in diameter or greater.
2. Only one antenna shall be allowed for each lot.
3. Antennae shall be placed at least one hundred (100) feet back from front property line and shall meet the setback requirements for the particular zone in which it is located.
4. All antennae shall be securely mounted to the ground and shall not be placed on any vehicle or other movable structure.
5. The antennae shall be visually screened from the roadway and adjoining property by the use of vegetation to the maximum extent possible without impairing efficiency so that said screening is effective year-round.

6. No portion of the antenna may exceed fifteen (15) feet in height from the natural ground level.
7. Must be painted matte black or earth tones to blend with surrounding vegetation. 3-11-86

Section 3-14 _____

Section 3-15 Home Occupations (3-14-95)

I. Definitions - see Section 9-1.

II. Purpose and Authority

This section of the Town of Amherst Ordinance provides for non-retail commercial and professional office uses in single and multi-family residential dwellings in the Residential/Rural, Northern Rural, Northern Transitional Zones. The intent of the Ordinance is to allow business enterprises and professional occupations in private homes, provided that they are consistent with other neighborhood development and conform to Town health regulations and meet life safety standards. The activities associated with home occupations are not to detract from the rural character of the Town nor shall they create traffic, environmental or aesthetic impacts substantially different than the impacts created by other permitted uses in the neighborhood.

III. General Regulation

A. Permits Required

Except as otherwise provided for in this Ordinance, no person shall engage in ongoing business or professional activities in any private dwelling in the Residential/Rural, Northern Rural, Northern Transitional Zones, without first obtaining a permit from the Zoning Administrator. No permit shall be required for a duly registered home occupation in existence as of the date of this section until January 1, 1997. Application shall be made in writing to the Zoning Administrator and shall contain all the applicable information requested on the application form. Home Occupation permits and the uses provided for therein, shall automatically terminate five years after the date of issuance but shall be renewed by the Town provided that the dwelling owner shall certify that the use is in compliance with this Ordinance. Home Occupation permits are transferable only as provided for in E.6.

B. Use Restrictions

Home occupations are limited to those business and professional activities and uses compatible with dwelling units in residential areas of Town, which are conducted by and for the benefit of the residents of the dwelling unit. Home Occupation uses shall not include the following:

1. Any of the permitted uses listed in Sections 4-7, 4-8, or 4-9 of this Ordinance, except corporate, business or professional offices in accordance with 3 below of this paragraph and the General Provisions in paragraph C; or, (3-11-03)
2. Any production or manufacturing activities that requires federal or state licenses or operating permits under applicable health, environmental, transportation or commercial codes; or,
3. Any use that generates, stores or uses regulated hazardous substances, receives or ships hazardous materials regulated under Chapter 49 - Code of Federal Regulations, or that generates or disposes of hazardous waste as regulated under Chapter 40 -Code of Federal Regulations.

C. General Provisions

1. The home occupation shall occupy no more than 20% of the existing, gross heated floor area of the primary residence or the structure in which the home is operated, up to a maximum of 1,000 square feet.
2. Not more than two non-resident full time or part time employees shall be allowed.
3. No outdoor display advertising or storage of any products, materials or vehicles associated with the home occupation shall be allowed.
4. One non-illuminated sign not to exceed six square feet per side, may be displayed.
5. No emissions of dust, fumes, smoke, noise, vibration, light or water, attributable to the home occupation, shall be allowed across the property line.
6. Hours of outside operation are 8:00 a.m. to 6:00 p.m., Monday thru Saturday.
7. A home occupation may generate no more than 20 trips per day in business related traffic.

D. Special Provisions

1. Any Bed & Breakfast operated under this section of the Ordinance shall be limited to a maximum of five bedrooms for guest use.
2. The site must accommodate parcel pick-up and delivery with facilities for drop-off storage.